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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,246	07/08/2003	Thomas E. Lenkman	TEM-20A	6077
2147	7590	07/07/2006	EXAMINER	
GRACE J FISHEL 2200 WEST PORT PLAZA DRIVE SUITE 202 ST. LOUIS, MO 63146			SWENSON, BRIAN L	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,246	LENKMAN, THOMAS E.	
	Examiner	Art Unit	
	Brian Swenson	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 April 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 15 and dependent claims 6-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims, further, contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, claim 15, as amended, recites, "said powered casters lowered by means of said pneumatic lift devices to allow manual positioning." This limitation has

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not been examined. The manual positioning mode is enabled, page 5 of the originally filed specification, "[m]oving drive system mode switch 210 to 'POSITION' allows air from air reservoir 145 to be routed to position caster air springs 20, lowering position casters 50." Position casters (50) are unpowered casters. In the manual positioning mode the powered casters are raised, as shown by applicant in Figure 1 of the instant drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-15, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,845,914 issued Lenkman.

Lenkman teach in Figures 1-13 and respective portions of the specification of a transport system (7) comprising: a self-propelled transport assembly, and controlling means (53,55) to raise and lower motive components to facilitate different modes of operation (see at least Col. 2, lines 60+ through Col. 3, lines 1-8 for the shocks expanded mode of operation and shocks retracted mode of operation). Lenkman teaches controlling means (53,55) comprising a system of air compressors (57,59) and pneumatic lift devices (53,55), pneumatic plumbing (unlabeled inherently provided to facilitate movement of air for the lift devices). Lenkman teaches of the motive components comprise unpowered casters (49) and at least two powered drive units (37;

Figure 13). Lenkman teaches in Figures 7 and 9 of lowering the unpowered casters by means of the pneumatic lift devices. Lenkman teaches of a controller (65) for controlling operation of the transport assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenkman.

In regards to claims 6 and 8-9, Lenkman as best understood, teach of powered drive unit comprising: an electric motor (39), a drive belt (41), an axle (Figure 13), and a wheel (37). Lenkman does not state if the electric motor is a variable speed reversible electric motor. Variable speed reversible electric motors are well-known in the mechanical art. Lenkman also teaches of a drive belt not a chain. It would have been obvious to one having ordinary skill in the art at the time of invention to use a variable speed reversible electric motor and drive chain in place of the drive belt. One would be motivated to use a variable speed drive motor to allow the transported to move the cart forward or rearward at a variety of speeds, one would be motivated to use a drive chain to allow the motor to rotate the drive wheel without slipping. In regards to claims 8 and 9, see at least Col. 6, lines 29-36.

In regards to claims 7 and 12, Lenkman discloses the claimed invention including teaching of an electronics cabinet as shown in Figure 12 placed below reference numeral (59). Lenkman does not state if indicators are provided. It would have been obvious to one having ordinary skill in the art at the time of invention to provide indicators. The motivation for providing indications would be to alert the user of the charge contained in the battery.

In regards to claim 10 Lenkman as best understood, teach of providing for a battery charged by an external reel, Col. 6 lines 29-37.

In regards to claim 11 Lenkman as best understood, teach of a joystick assembly (65) to control motion.

In regards to claims 13 and 14, as best understood, Lenkman teaches of controlling the modes of operation by inflating/deflating pneumatic lift devices, see at least summary of invention.

Response to Argument's / Conclusion

5. Applicant's arguments filed 18 April 2006 have been fully considered but they are not persuasive. Applicant's argument that the combination of: "Unpowered casters are lowered by means of said pneumatic lift devices to allow manual positioning" in a self propelled transport system is not taught by U.S. Patent No. 5,845,914 issued to Lenkman is not persuasive. Applicant amended the claims to claim the powered casters are lowered, which is not enabled and is also new matter as disclosed above in paragraph [1] of the this office action.

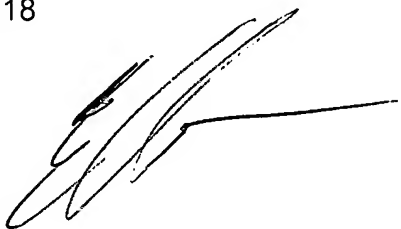

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS 7/13/06
bls

Brian Swenson
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